

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROD WHEELER

Plaintiff,

v.

TWENTY-FIRST CENTURY FOX, INC.,
FOX NEWS NETWORK LLC, MALIA
ZIMMERMAN, in her individual and
professional capacities, and ED BUTOWSKY,
in his individual and professional capacities,

Defendants.

Civil Action No. 17-05807

DECLARATION OF DAVID B. HARRISON

I, DAVID B. HARRISON, of full age, hereby certify as follows:

1. I am an attorney-at-law in the State of New York and Partner of the law firm Spiro Harrison, attorneys for Defendant Ed Butowsky (“Butowsky”).

2. I make this Certification in support of Ed Butowsky’s Motion for Sanctions Pursuant to Fed. R. Civ. P. 11.

3. Attached hereto as Exhibit 1 is a true and correct copy of a letter from David Harrison, counsel for Butowsky, to Douglas Wigdor, counsel for Plaintiff Rod Wheeler (“Wheeler”), dated June 27, 2017 with the subject “Draft Complaint by Rod Wheeler.”

4. Attached hereto as Exhibit 2 is a true and correct copy of a *New York Times* article dated August 8, 2017 titled “Fox Is Said to Have Declined to Settle Suits for \$60 Million.”

5. Attached hereto as Exhibit 3 is a true and correct copy of *Advertising Age* article dated November 14, 2007 titled “Rod Wheeler Sure Knows the Difference Between Hispanics

and Chinese.”

6. Attached hereto as Exhibit 4 is a true and correct copy of *New York Times* article dated July 16, 2007 titled “Gay Gun Advocates Draw Bead on O’Reilly.”

7. Attached hereto as Exhibit 5 is a true and correct copy of *National Enquirer* article dated March 28, 2007 titled “Bombshell Breakthrough in Chandra Levy Murder Cops Probe Link To D.C. Madam’s ‘Little Black Book’.”

8. Attached hereto as Exhibit 6 is a true and correct copy of a screenshot of text messages between Defendant Malia Zimmerman (“Zimmerman”) and Wheeler dated March 15, 2017.

9. Attached hereto as Exhibit 7 is a true and correct copy of a screenshot of text messages between Zimmerman and Wheeler dated March 30, 2017.

10. Attached hereto as Exhibit 8 is a true and correct copy of a screenshot of text messages between Zimmerman and Wheeler, to the best of my knowledge, exchanged on or around April 9, 2017.

11. Attached hereto as Exhibit 9 is a true and correct copy of a screenshot of text messages between Butowsky and Wheeler dated March 1, 2017.

12. Attached hereto as Exhibit 10 is a true and correct copy of a report made on April 25, 2017 by Wheeler detailing his meeting with Det. Della-Camera of the Metropolitan Police Department.

13. Attached hereto as Exhibit 11 is a true and correct copy of a screenshot of text messages between Zimmerman and Wheeler dated May 15, 2017.

14. Attached hereto as Exhibit 12 is a true and correct copy of an email from Zimmerman to Wheeler and Butowsky dated May 15, 2017 at 1:20pm with the subject “small

changes included - current draft.”

15. Attached hereto as Exhibit 13 is a true and correct copy of an email from Zimmerman to Wheeler and Butowsky dated May 15, 2017 at 3:59pm with the subject “please read carefully.”

16. Attached hereto as Exhibit 14 is a true and correct copy of a screenshot of text messages between Zimmerman, Wheeler, and Butowsky dated May 15, 2017.

17. Attached hereto as Exhibit 15 is a true and correct copy of an email from Zimmerman to Wheeler and Butowsky dated May 15, 2017 at 4:47pm with the subject “draft turned in.”

18. Attached hereto as Exhibit 16 is a true and correct copy of a Fox 5 DC new article dated May 17, 2017 titled “Family's private investigator: There is evidence Seth Rich had contact with Wikileaks prior to death.”

19. Attached hereto as Exhibit 17 is a true and correct copy of a screenshot of text messages between Zimmerman and Wheeler dated May 15, 2017.

20. Attached hereto as Exhibit 18 is a true and correct copy of Rod Wheeler's May 22, 2017 Statement Regarding the Seth Rich Investigation published on Fetch Your News website, available at <https://fannin.fetchyournews.com/2017/05/22/detective-rod-wheeler-releases-statement-concerning-the-death-of-dnc-staffer-seth-rich/>

21. Attached hereto as Exhibit 19 is a true and correct copy of a press release dated May 3, 2017 titled “Wigdor Advises Ofcom Regarding Multiple Claims Against Fox News,” available at <https://www.wigdorlaw.com/wigdor-ofcom-19-fox-news-employees/>

22. Attached hereto as Exhibit 20 is a true and correct copy of Thewrap.com article dated August 7, 2017 titled “Attorney Tries to Stop 21st Century Fox’s Bid to Takeover Sky

News,” available at <http://www.thewrap.com/attorney-21-century-fox-bid-to-takeover-sky-news/>

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SPIRO HARRISON

Dated: September 19, 2017

s/ David B. Harrison

David B. Harrison